

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant : Michael Sweeting  
Application No. : 10/689,185 Confirmation No. : 2702  
Filed : October 20, 2003  
For : SYSTEM AND METHOD FOR PROVIDING FUTURES  
CONTRACTS IN A FINANCIAL MARKET  
ENVIRONMENT  
Group Art Unit : 3694  
Examiner : Abdul Basit

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Sir:

Applicant requests review of the Final Rejection of November 10, 2009 in the above-identified application. No amendments are being filed with this request.

This request is being filed with a Notice of Appeal.

The review is requested for the reasons stated on the attached sheets.

**REMARKS****I. THE REFERENCES HAVE NOT BEEN SHOWN TO DISCLOSE ALL CLAIM LIMITATIONS**

Independent claim **7** (and similarly independent claim **36**) recites in part:

*wherein the futures contract specifies:*

*(i) a quantity of the fixed income bond to be delivered at the expiration of the futures contract, and*

*(ii) a quantity of the credit default swap to be delivered at the expiration of the futures contract.*

In rejecting independent claim **7** (and similarly claim **36**), the Examiner asserts that such limitations are disclosed at pages 1-5 and 12-16 of “Trading credit spreads: The case for a specialized exchange-traded credit futures contract” (Derivatives Use, Trading and Regulation, London 2002, Vol. 8, Issue 1), by Moorad Choudhry (herein after Choudhry). Office Action, pages 3-4 and 12.

37 C.F.R. § 1.104(c)(2) sets the minimum standards for a validly-issued Office Action, indicating in part that “[t]he pertinence of each reference, if not apparent, must be clearly explained....” Contrary to Rule 1.104, in rejecting claims **7** and **36** the Examiner merely refers to ten pages of Choudhry, never providing any explanation as to how these ten pages disclose the above limitations of claim **7** (and similarly claim **36**).

Furthermore, a review of pages 1-5 and 12-16 of Choudhry fails to reveal how these portions of Choudhry disclose the above limitations of claim **7** (and similarly claim **36**). In addition, pages 1-5 and 12-16 of Choudhry do not disclose the above limitations of claim **7** (and similarly claim **36**).

**II. CONCLUSION**

For at least the foregoing reasons, withdrawal of the rejection is respectfully requested.

Respectfully submitted,

April 10, 2010  
Date

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